

justify its decision [to deny costs] by ‘articulating some good reason for doing so.’” *Id.*, citing *Teague v. Bakker*, 35 F.3d 978, 996 (4th Cir. 1994). The expenses which may be taxed are listed in 28 U.S.C. § 1920 and Local Civil Rule 54.03.

Costs may be denied only when there would be an element of injustice in a presumptive cost award. *See Delta Air Lines v. August*, 450 U.S. 346, 355 (1981). Factors which may justify refusal by the court to award costs include misconduct by the prevailing party, the losing party’s inability to pay, the excessiveness of the costs claimed in a particular case, the limited value of the prevailing party’s victory, or the closeness and difficulty of the issues decided. *Teague*, 35 F.3d at 996.

As grounds for denial of costs to the defendant, the plaintiff asserts that it would be inequitable to award the defendant costs due to the fact that “Plaintiff had a good faith belief in this lawsuit, the issues were close and difficult and Plaintiff is of modest means.” (ECF No. 48, p. 2) Regardless of whether the plaintiff had a good faith belief in the lawsuit, she failed to timely submit into the record in this case any proof of a right to sue letter from the EEOC as required.¹ The issues were not close and difficult. The amount of time taken between the date the motion for summary judgment was filed and the date of the court’s decision was dictated by the demands of the Court’s docket and not the complexity of the issues. Finally, the plaintiff indicates that she “has not secured steady employment”, but she provides no further details regarding such. The Court believes it would be equitable to award the defendant the limited award of costs requested, under all of the circumstances of the case.

For the reasons stated above, Defendant is awarded costs in the amount of **\$980.65**. These costs shall be included in the judgment of this Court.

¹ The Court notes in reviewing the docket that the plaintiff has filed her own *pro se* appeal and has now submitted to the Fourth Circuit a right to sue letter from the EEOC that was never submitted to this Court.

AND IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Court Judge

June 11, 2015

Florence, South Carolina